

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES E. FOX; JOHN H. MAKOWSKY;
and NICHOLAS J. CRISMALE,
Individually and On Behalf of:
ALL OTHERS SIMILARLY SITUATED,

**MEMORANDUM
AND
ORDER**
00-CV-5145 (TCP)(ETB)

Plaintiffs,

- versus -

CHEMINOVA, INC., CHEMINOVA AGRO
A/S, AGREVO ENVIRONMENTAL HEALTH,
INC., CLARKE MOSQUITO CONTROL
PRODUCTS, INC., ZOECON CORPORATION,
and Corporations "1" through "5"

Defendants.

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PLATT, District Judge.

Before the Court is the Report and Recommendation of the Co-Special Master, James M. Catterson, Jr., in the above action. See attached Report and Recommendation of the Co-Special Master. The Report and Recommendation is submitted to this Court for approval pursuant to paragraph 8(d) of this Court's August 3, 2006 Final Order and Judgment Approving Settlement.

On March 19, 2007, this Court ordered the Co-Special Master to serve the Report on the above named parties. The parties were then given an opportunity to file any objections within twenty (20) days from the date of service. On March 27, 2007, this Court received notice from all parties that there were no objections

to the Report.

Upon review of the same, this Court would approve the following with regards to the “collateral issues” listed in Enclosure 5 to the Report and Recommendation:

1. Carlos Santos and Armando Rodriguez: In addition to the Co-Special Master’s proposed course of action regarding Carlos Santos and Armando Rodriguez, the Co-Special Master shall provide Mr. Santos with a receipt of the disbursements of Mr. Santos’ settlement funds; and
2. Kenneth Jayne: In addition to the Co-Special Master’s recommendation to hold any monies awarded to Kenneth Jayne from the Cheminova Settlement pending a court order from the Hon. Carol MacKenzie of the New York State Supreme Court, such monies will be held for a reasonable time pending such order.

Pursuant to Fed. R. Civ. P. 53(g)(1) and subject to the above modifications, this Court hereby ADOPTS and AFFIRMS the findings and determinations set forth in the Report and Recommendation of the Co-Special Master.

SO ORDERED.

/s/
Thomas C. Platt, U.S.D.J.

Dated: Central Islip, New York
March 30, 2007